

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

Owens Corning Sales, LLC, and)	
Owens Corning Mineral Wool, LLC,)	
)	
Plaintiffs;)	
vs.)	No. 6:18-cv-03038-MDH
)	
Area Impianti S.p.A.,)	
)	
Defendant.)	

**REPORT OF RULE 26(f) CONFERENCE, DESIGNATION OF MEDIATOR,
& JOINT PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN**

Attorneys for Plaintiffs and Defendant met in person on March 15, 2018, for purposes of conferring on scheduling and discovery issues as required by Federal Rule of Civil Procedure 26(f). Pursuant to Rule 26(f), as well as Local Rules 16.1(f) and 26.1(c), the parties submit for this Court's consideration and approval the following:

A. Parties & Pleadings

All motions to join additional parties shall be filed on or before **July 15, 2018**. All motions to amend the pleadings shall be filed on or before **August 15, 2018**.

B. Mediation and Assessment Program (MAP)

The parties agreed that mediation must occur by or before **July 2, 2018**. The parties have accordingly arranged for mediation to occur beginning at 9:30 AM on **June 28, 2018**, before outside mediator **Ron Mitchell**, at the offices of Plaintiffs' counsel, 910 E. St. Louis St., Suite 100, Springfield, MO 65806.

C. Initial Disclosures under Rule 26(a)

The parties jointly propose changes to the timing of disclosures under Rule 26(a), but not the form or requirement for disclosures. The exchange of initial disclosures will occur by **April 15, 2018**.

D. Protective Orders and Claims of Privilege

The parties will jointly propose an agreed protective order by **April 15, 2018**.

E. Discovery

The parties agree that both written discovery and depositions will be needed. The parties agree that there is no need for discovery to be conducted in multiple phases. The parties propose that all discovery be completed on or before **February 15, 2019**. This date exceeds the standard 180 days because of the complex nature of the case and number and location of witnesses (American and Italian), anticipated experts and project-related documents (many of which are in Italian). This case involves a project for the construction of a \$90 million mineral fiber insulation manufacturing facility and issues relating to, among other things, design specifications provided for the air pollution control system, the air pollution control system supplied by Defendant (an Italian company) and issues relating to the performance of that system. Defendant Area Impianti, its project documents (many of which are in Italian) and its employees who worked on the project are in Italy. These factors, among others, necessitate extended discovery beyond the standard 180 days to accommodate these issues.

The parties also agree that the normal limits on the number of interrogatories and depositions per side should be expended such that each side (plaintiffs and defendant) shall be allowed to propound up to 50 interrogatories and take up to 25 depositions.

F. Motions for Summary Judgment

Any motions for summary judgment must be filed no later than **March 15, 2019**.

G. Expert-Witness Disclosures

The parties disagree as to the appropriate expert-disclosure deadlines and submit for the Court's determination the following alternative proposals:

Plaintiffs' proposal:

Because each party presents affirmative claims for relief, each party shall designate all expert witnesses it intends to call for its respective case-in-chief on or before **September 15, 2018**, and shall designate all rebuttal expert witnesses on or before **November 15, 2018**. This paragraph applies to all witnesses from whom expert opinions will be elicited, regardless of whether the witness was specially retained to provide expert testimony.

Defendant's proposal:

Plaintiffs shall designate any expert witnesses they intend to call at trial on or before **September 15, 2018**, and Defendant shall designate any expert witnesses it intends to call at trial on or before **November 15, 2018**. Any rebuttal experts shall be designated by **January 4, 2019**. This paragraph applies to all witnesses from whom expert opinions will be elicited, regardless of whether the witness was specially retained to provide expert testimony.

H. Electronically Stored Information (ESI)

The parties agree that ESI is to be provided electronically in text-searchable PDF format, except where specifically requested in a native format, provided that production in a native format would be reasonably warranted and not unduly burdensome.

I. Limitations on Discovery

The parties do not request any further changes to the limits on discovery imposed by the Federal Rules of Civil Procedure or the Local Rules.

J. Other Orders

The parties do not request any other orders that should issue under Rule 26(c) or Rule 16(b).

K. Trial

The parties propose that this case will be ready for trial any time after **June 15, 2019**, and anticipate that the case will require **10** days for trial by **jury**.

Respectfully Submitted,

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